

REMOVING RESTRICTIONS AGAINST ALIENATION OF INHERITED
LANDS OF KANSAS OR KAW INDIANS IN OKLAHOMA

JANUARY 16, 1925.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. GARBER, from the Committee on Indian Affairs, submitted the
following

REPORT

[To accompany H. R. 11359]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11359) to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma, having considered the same, report thereon with a recommendation that it do pass without amendment.

This legislation provides for the issuance of certificates removing restrictions against alienation of original homesteads and surplus allotments of the Kansas or Kaw Indians when it is deemed competent to handle their affairs. This legislation takes care of heirs to the estates of deceased allottees and will allow the Government to settle such estates.

This measure is recommended by the Department of the Interior as evidenced by the following letter of the Secretary of the Interior and meets the approbation of your committee.

DEPARTMENT OF THE INTERIOR,
Washington, December 20, 1924.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Attention is invited to a draft of proposed legislation authorizing the Secretary of the Interior, in his discretion, to issue certificates of competency removing the restrictions against alienation on the inherited lands held by Indians of the Kansas or Kaw Tribe in Oklahoma.

The act of Congress of June 5, 1872 (17 Stat. L. 228), which confirms to the Osage Indians certain designated lands in Indian Territory, also contains a provision for the settlement of the Kansas or Kaw Indians within the limits of that reservation. Subsequently, the act of July 1, 1902 (32 Stat. L. 636), ratified

an agreement with the Kansas or Kaw Tribe by a provision of which the members of the tribe received homesteads with the title subject to restrictions against alienation for a period of 25 years from January 1, 1903; and by another provision of which the surplus lands were allotted pro rata, with the title held subject to restrictions against alienation for a period of not less than 10 years, except the allotments made to minors, on which the restrictions run until the allottee reaches the age of majority. The period of restrictions on the homesteads was extended for an additional 25 years from January 1, 1928, by the act of May 27, 1924 (43 Stat. L. 176); and the restrictions on the allotments of all who were minors on March 4, 1923, was extended for 25 years from that date by the act of March 4, 1923 (42 Stat. L. 1561).

Section 10 of the act of July 1, 1902, *supra*, authorizes the Secretary of the Interior to issue certificates removing the restrictions against alienation on the original homesteads and surplus land allotments of such of the Indians as he might deem competent to handle their affairs. This authority is not, however, applicable to the estates of members of the tribe who died without having received certificates of competency, leaving their inherited lands to their heirs still subject to the restrictions. Section 11 of the same act makes provision by which the inherited lands may be sold with the approval of the Secretary of the Interior, but it also is silent as to issuing certificates to the heirs removing the restrictions on their inherited interests. Many of these heirs are competent, and it is altogether desirable and preferable that the restrictions should be removed from their inherited lands, as well as from their original homesteads and allotments, in order that they may act upon their individual responsibility.

There is, therefore, submitted herewith a draft of a proposed bill to authorize the Secretary of the Interior to issue the necessary certificates, as previously outlined herein. The favorable consideration of this proposed legislation is respectfully recommended to your committee.

Very truly yours,

HUBERT WORK.